

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GARY J. GIESELMAN,)
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Plaintiff,)
)
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v.) No. 4:08CV00425 AGF
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COUNTY OF JEFFERSON, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's submission of an amended complaint. Because the complaint grossly fails to comply with the Federal Rules of Civil Procedure or this Court's previous Order, the Court will dismiss the complaint with prejudice.

The allegations in the complaint are substantially the same as those brought by plaintiff in a previous case, Gieselman v. City of Desoto, 4:07CV1510 AGF (E.D. Mo) (“Gieselman I”). In Gieselman I, plaintiff originally filed a 13 page complaint in which he alleged that defendants had wrongfully arrested and detained him. The Court reviewed the complaint under 28 U.S.C. § 1915(e) and dismissed those portions of it that were frivolous and ordered the remaining defendants to respond to the complaint.

Before defendants answered, plaintiff filed an amended complaint. Upon review of the amended complaint, the Court found that it was not organized in a comprehensible manner as required by the Federal Rules of Civil Procedure. So the Court ordered plaintiff to file a second amended complaint that complied with Rules 8 and 10.

Plaintiff filed a second amended complaint that contained 58 pages of rambling factual allegations, made up of 417 single-spaced, numbered paragraphs. The Court dismissed the second amended complaint without prejudice because of plaintiff's "gross failure to comply with the Federal Rules of Civil Procedure and [the] Court's previous Order."

Plaintiff subsequently filed this lawsuit. The original complaint was comprised of 78 pages of rambling and repetitive allegations, made up of 313 single-spaced paragraphs. The Court found that the complaint failed to comply with Rule 8's requirement that each claim for relief be set forth in a short and plain statement, and the Court ordered plaintiff to submit an amended complaint in compliance with the Federal Rules.

Plaintiff's amended complaint again grossly fails to comply with Rule 8. The allegations are unreasonably repetitive, argumentative, rambling, and conclusory. And

it is unreasonably long, being made up of 43 pages and 226 paragraphs. As a result, the Court will dismiss this action.

Normally, a dismissal for failure to comply with Rule 8 should be without prejudice. However, where a plaintiff persists in violating the Rule, the dismissal may be with prejudice. Michaelis v. Nebraska State Bar Assoc., 717 F.2d 437, 438-39 (8th Cir. 1983). Because plaintiff has persisted in violating Rule 8 after being offered numerous chances to correct his mistakes, the dismissal of this action shall be with prejudice.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** with prejudice.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 4th Day of June, 2008.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE